UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LORI A. ZARLENGA BLAQUIERE,

Plaintiff,

vs. C.A. No. 06-534ML

EDWARD A. CHARBONEA, individually and in his capacity as Chief of Police of the North Kingstown Police Department, et al.,

Defendants.

DEFENDANTS, CHARBONEA AND DESJARLAIS'S MOTION TO DISMISS IN LIEU OF ANSWER

Now come the defendants, Charbonea and Desjarlais and pursuant to R.C.P. 12(b)(6) and 12(d) and move that the plaintiff's complaint against them be dismissed because it violates Rule 8(a)(2) and Rule 8(e)(1). In the alternative, these defendants request a more definite statement in the complaint regarding the specific causes of action against them before they are required to frame a responsive pleading pursuant to Rule 12(e). Defendants rely on their memorandum of law attached and incorporated herein.

Defendants,
By their attorney,

/s/ Marc DeSisto
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CERTIFICATION

I hereby certify that the within document has been electronically filed with the Court on February 28, 2007, and is available for viewing and downloading from the ECF system.

/s/ Marc DeSisto

Marc DeSisto, Esq.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LORI A. ZARLENGA BLAQUIERE, *Plaintiff,* vs. EDWARD A. CHARBONEA, individually and in his capacity as Chief of Police of the North Kingstown Police Department, et al., *Defendants.*	C.A. No. 06-534ML

DEFENDANTS, CHARBONEA AND DESJARLAIS'S MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO DISMISS IN LIEU OF ANSWER

I. INTRODUCTION

Plaintiff has filed a 78 page complaint naming 22 individuals and six corporations or entities as defendants. In addition to the defendants bringing this motion, the plaintiff has included the current Governor of the State of Rhode Island, a former United States Senator of the State of Rhode Island, the United States Attorney's office and the Department of Justice.

The complaint contains a section entitled "statement of claims with request for relief." This section contains 27 numbered counts with single paragraphs containing allegations against certain of the defendants. (See page 6 through 9 of the complaint) The single paragraph for each count does not state the cause of action and does not state which specific defendants are involved with the specific count. Although, it should be noted that those paragraphs do reference specific defendants.

Starting on page 10 and following through to page 77, the complaint contains unnumbered paragraphs with specific allegations. Among the allegations, plaintiff claims:

1. That defendant Showa Denko K.K. is engaged in an ongoing criminal conspiracy which includes to "have plaintiff murdered" (page 13 of the complaint);

2. That this same defendant (Showa Denko K.K.) employed "corrupt lawyers" who "conspired with all the Courts at every level to sabotage plaintiff's case" (page 15 of the complaint, the plaintiff is referring to a previous case that she filed);

3. Plaintiff claims that her son "is an informant in connection with Showa Denko K.K." and is being protected by the West Warwick Police (page 21).

4. Plaintiff claims that her son engaged "in a criminal conspiracy to murder plaintiff in connection with Showa Denko K.K. [is] for reasons of financial gain" (page 22).

5. The plaintiff further claims that "law enforcement, among others are engaged in a criminal conspiracy to murder plaintiff in connection with Showa Denko K.K." (page 26).

6. Plaintiff further claims that "on January 22, 2006, plaintiff was kidnapped and assaulted by Warwick, Rhode Island Police Officer Joseph E. Mee, who, among others are engaged in a criminal conspiracy to murder plaintiff in connection with Showa Denko K.K." (page 34).

7. Plaintiff claims her father is an informant for Showa Denko K.K. (page 34).

8. Plaintiff claims that the Speaker of the House, William Murphy, "was covering up for law enforcement, among others, engaged in a criminal conspiracy to murder plaintiff in connection with Showa Denko K.K."

9. Plaintiff claims that "the Department of Justice, Department of Attorney General, Federal Bureau of Investigations and the Department of Homeland Security in Washington D.C. were covering up for law enforcement, among others engaged in a criminal conspiracy to murder plaintiff in connection with Showa Denko K.K." (page 47).

Plaintiff's complaint contains allegations against defendant Desjarlais that in his capacity as a North Kingstown Police Officer, he unlawfully intervened in plaintiff's attempts to purchase a handgun in order "to protect herself against individuals engaged in a criminal conspiracy to murder plaintiff" (page 65 of the complaint). Apparently, when seeking purchase of the firearm, the plaintiff made inquiries of the owner of the gun shop as to what type of handgun and ammunition would penetrate a bulletproof vest (page 63 of the complaint).

These defendants move to dismiss under the applicable rules because the 78 page complaint violates Rules 8 and 10 of the Rules of Civil Procedure.

II. PLAINTIFF'S COMPLAINT IS NOT SIMPLE, CONCISE AND DIRECT

Under R.C.P. 8(a)(2) a complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Further, Rule 8(e) states that "each averment of a pleading shall be simple, concise and direct…."

These defendants submit that plaintiff has violated both the form and spirit of Rule 8. The plaintiff's complaint is a running commentary on certain events which plaintiff deems to be actionable. However, the complaint cannot be said to contain "a short and plain statement" of any claim or count. In fact, the enumerated counts are vague and impossible to decipher as to the cause of action or the defendants' involvement in the cause of action.

Under R.C.P. 10(b) "all averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances…" As set forth above, from pages 10 through 77 of the complaint, the plaintiff has separate unnumbered paragraphs making it impossible to adequately file an answer.

Consequently, these defendants move that the plaintiff's complaint be dismissed.

III. IN THE ALTERNATIVE, PLAINTIFF SHOULD BE MADE TO FILE A MORE DEFINITE STATEMENT

R.C.P. 12(e) states in pertinent part:

> "If a pleading to which a responsive a pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party may move for a more definite statement before interposing a responsive pleading."

As set forth above, these defendants cannot possibly adequately respond to the complaint in its present form. Consequently, if the complaint is not dismissed, in the alternative, the defendants request that the plaintiff be ordered to file a complaint which conforms to the applicable rules.

IV. CONCLUSION

For the following reasons, defendants respectfully request that the plaintiff's complaint be dismissed or in the alternative that the plaintiff be ordered to file an amended complaint in keeping with the above stated rules of pleading.

Defendants,
By their attorney,

/s/ Marc DeSisto

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